

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CORY BONE and LUIS CARRILLO,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 21-1460-VAC-JLH
	)	
XTO ENERGY INC.,	)	
	)	
Defendant.	)	

**DEFENDANT XTO ENERGY INC.’S NOTICE OF SUPPLEMENTAL  
AUTHORITY IN SUPPORT OF MOTION TO STAY PROCEEDINGS**

Respondent XTO Energy Inc. (“XTO”) respectfully submits the following decisions of various U.S. District Courts as supplemental authority in support of XTO’s request for a stay (collectively, the “Supplemental Cases”):

1. *Brown v. Energy Services Group International, Inc.*, No. 3:21-cv-611, 2022 WL 2161034 (E.D. Va. June 14, 2022) (Payne, J.) (attached as Exhibit A);
2. *Dyck v. Precision Drilling Company, LP.*, No. 4:19-cv-01090, D.I. 65 (S.D. Tex. June 29, 2022) (Hanan, J.) (attached as Exhibit B);
3. *Field v. Anadarko Petroleum Corp., et al*, No. 4:20-cv-00575, D.I. 131 (S.D. Tex. July 21, 2022) (Edison, J.) (attached as Exhibit C);
4. *Vandiver v. Anadarko Petroleum Corp.*, No. 4:22-cv-02079, D.I. 19 (S.D. Tex. August 15, 2022) (Eskridge, J.) (attached as Exhibit D); and
5. *Gros v. Anadarko Petroleum Corp.*, No. 4:22-cv-01943, D.I. 20 (S.D. Tex. August 15, 2022) (Eskridge, J.) (attached as Exhibit E).

In its motion and opening brief filed on May 19, 2022, XTO requested this Court stay the instant case pending the Supreme Court’s decision in *Hewitt v. Helix Energy Solutions., Group., Incorporated* 15 F.4th 289 (5th Cir. 2021), *petition for cert. granted*, No. 21-984, 2022 WL 1295708 (U.S. May 2, 2022). (D.I. 94-95). Since that time, a number of other courts have granted similar motions to stay pending the outcome of the *Helix* matter. *See* the Supplemental Cases. The opinions in these Supplemental Cases further support XTO’s argument that the instant matter should be stayed.

The Supplemental Cases all have claims of unpaid overtime brought under the Fair Labor Standards Act (“FLSA”) as collective actions, and have been stayed by the respective court pending the Supreme Court’s decision in *Helix*. Additionally, like XTO in the instant matter, the defendants in the Supplemental Cases all asserted the highly-compensated employee exemption to the FLSA as a defense, and such defense is likely to be interpreted by the Supreme Court in *Helix*. Accordingly, the Supplemental Cases support XTO’s motion to stay proceedings, and XTO respectfully asks the Court to consider this new authority issued after the filing of XTO’s motion.

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Dated: August 23, 2022

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